

PHYSICAL THERAPY BOARD OF CALIFORNIA

INITIAL STATEMENT OF REASONS

Hearing Date: October 25, 2007

Subject Matter of Proposed Regulations: Citations and Fines

Section(s) Affected: 1399.25 & 1399.26

PROBLEM ADDRESSED:

Existing regulations do not incorporate all those sections in the California Code of Regulations and the Business and Professions Code which when violated, the Board in its sole discretion, determines that the facts of a particular case warrants a lesser action of an administrative citation and fine. The current language identifies only specific statute and regulation codes which restrict the board's authority to issue citations on other violations that are not at a disciplinary level but should be at a citable level. The proposed language also offers a solution to the Board's present problem of the necessity to continually file a Rulemaking File to give authority to cite on new statutes which are not included in the list of citable offenses in 1399.26.

SPECIFIC PURPOSE:

The proposed regulatory amendment does four things. First, it will incorporate all current and future sections in the laws and regulations and any other statutes or regulations for which the board may issue a citation and fine.

Second, the proposed regulatory amendment to 1399.25 will establish what factors will be taken into consideration and what circumstances will apply when determining the amount of the fine and sets forth the conditions which will permit the Board to issue an administrative fine of over \$2,500.

Third, the amendment will repeal the provisions of section 1399.26, which is the comprehensive list of the sections for which the Board may issue a citation. The need for this list will be unnecessary by the amendments to section 1399.25, which will allow the board to issue a citation and fine of over \$2,500. This will be consistent with the State Services Agencies Service's position that gave the board the criteria to set the fine over \$2,500 for certain citation and fines.

Fourth, the amendment will clarify that withdrawn and dismissed citations shall not only continue to be purged but also destroyed immediately upon withdrawal or dismissal.

FACTUAL BASIS: Section 1399.25 clearly defines what factors will be taken into consideration and what circumstances will apply when determining the citation and fine.

UNDERLYING DATA: There is no underlying data.

SMALL BUSINESS IMPACT: These regulations will not have a significant adverse economic impact on small businesses.

SPECIFIC TECHNOLOGIES OR EQUIPMENT: This regulation does not mandate the use of specific technologies or equipment.

CONSIDERATION OF ALTERNATIVES: No alternative considered would either be more effective than or equally less burdensome than the proposed regulations.